

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL  
2019 Legislative Session**

Bill No. CB-31-2019

Chapter No. \_\_\_\_\_

Proposed and Presented by Council Member Davis

Introduced by \_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_

**ZONING BILL**

1 AN ORDINANCE concerning

2 Special Exceptions—Additional Requirements for Specific Special Exceptions—Apartment  
3 Housing for Elderly or Physically Handicapped Families

4 For the purpose of providing additional criteria for approval of Special Exceptions for the  
5 ‘Apartment housing for elderly or physically handicapped families’ uses in the R-E (Residential  
6 -Estate) Zones of Prince George’s County, under certain specified circumstances.

7 BY repealing and reenacting with amendments:

8 Section 27-337,

9 The Zoning Ordinance of Prince George's County, Maryland, being also

10 SUBTITLE 27. ZONING.

11 The Prince George's County Code

12 (2015 Edition, 2018 Supplement).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
14 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional  
15 District in Prince George's County, Maryland, that Section 27-337 of the Zoning Ordinance of  
16 Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code,  
17 be and the same is hereby repealed and reenacted with the following amendments:

18 **SUBTITLE 27. ZONING.**

19 **PART 4. SPECIAL EXCEPTIONS.**

**DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL EXCEPTIONS.**

**Sec. 27-337. Apartment housing for elderly or physically handicapped families.**

(a) Apartment housing and related facilities for elderly or physically handicapped families may be permitted within and on the property associated with an existing building, which was formerly used for a public school that has been declared surplus by the government entity which owns (owned) it (known as a surplus public-school building), subject to the following:

(1) In addition to the requirements of Section 27-296(c), the site plan shall show the density, and the type and total number of dwelling units proposed;

(2) The District Council shall find that the subject property is suitable for the type of development proposed, and is of sufficient size to properly accommodate the proposed number of dwelling units;

(3) Recreational and social amenities for the residents may be provided, if shown on the site plan and approved by the District Council; and

(4) The height, lot coverage, density, frontage, yard, and green area requirements, including restrictions on the location and height of accessory buildings, as specified for the zone in which the use is proposed, shall not apply to uses or structures provided for in this Section. The dimensions, percentages, and density shown on the approved site plan shall constitute the regulations for development under a given Special Exception.

(b) Apartment housing and related facilities for elderly or physically handicapped families may be permitted within a building other than a surplus public school building, subject to the following:

(1) The owner of the property shall record among the Land Records of Prince George's County a Declaration of Covenants which establishes that the premises will be solely occupied by elderly or handicapped families for a fixed term of not less than twenty (20) years. The covenants shall run to the benefit of the Maryland-National Capital Park and Planning Commission;

(2) In the R-18, R-18C, R-H, and R-10 Zones, the following shall apply:

(A) The owner shall be a private, nonprofit organization;

(B) In addition to the requirements of Section 27-296(c), the site plan shall show the density, type, and total number of dwelling units proposed. The minimum net lot area may

1 be reduced and density may exceed that normally permitted in the applicable zone, provided that:

2 (i) The net lot area shall not be less than fifty percent (50%) of the minimum  
3 net lot area normally required in the zone; and

4 (ii) The density shall not be greater than twice that normally allowed in the  
5 zone;

6 (3) In the C-S-C Zone, the following shall apply:

7 (A) The subject property shall contain at least two (2) contiguous acres and shall  
8 not contain more than forty-eight (48) dwelling units per acre of net lot area. The density may be  
9 increased by one (1) unit per acre for each one thousand (1,000) square feet of indoor space  
10 available for common use by the residents for social, recreational, or educational purposes. The  
11 indoor space shall be shown on the site plan;

12 (B) Not less than fifty percent (50%) of the net lot area shall be devoted to green  
13 area; and

14 (C) The District Council shall find that existing development and uses in the  
15 neighborhood (particularly on adjacent properties) will not adversely affect the proposed  
16 development;

17 (4) In the R-R, R-80, and R-55 Zones, the following shall apply:

18 (A) The requirements of paragraphs (1), (2), (3), and (4) of Subsection (a), above,  
19 shall be met;

20 (B) The District Council shall find that the proposed use:

21 (i) Will serve the needs of the elderly families or physically handicapped  
22 families; and

23 (ii) Will not adversely affect the character of the surrounding residential  
24 community. The District Council shall consider the lot size, height of the building, lot coverage  
25 of all buildings on the property, setbacks from surrounding properties, street frontage, and  
26 sufficiency of green area when determining the proposed development's effect on surrounding  
27 residential communities.

28 (c) Apartment housing for elderly or handicapped families may be permitted by special  
29 exception in a building other than a surplus public-school building on lots or parcels on property  
30 totaling more than fifteen (15) gross acres in size, with an existing church located within a  
31 building of at least 150,000 gross square feet, subject to the following requirements:

1           (5) In the R-E Zone, the following shall apply:

2                   (A) The owner shall be a private, nonprofit organization;

3                   (B) The use shall be located on lots or parcels on property totaling more than  
4 fifteen (15) gross acres in size, with an existing church located within a building of at least  
5 150,000 gross square feet;

6                   (C) In addition to the requirements of Section 27-296(c), the site plan shall show  
7 the density, type, and total number of dwelling units proposed. The minimum net lot area may be  
8 reduced, and density may exceed that normally permitted in the applicable zone, provided that:

9                   (D) The requirements of paragraphs (1), (2), (3), and (4) of Subsection (a), above,  
10 shall be met;

11                   (E) The District Council shall also find that the proposed use:

12                           (i) Will serve the needs of the elderly families or physically handicapped  
13 families; and

14                           (ii) Will not adversely affect the character of the surrounding residential  
15 community. The District Council shall consider the lot size, height of the building, lot coverage  
16 of all buildings on the property, setbacks from surrounding properties, street frontage, and  
17 sufficiency of green area when determining the proposed development's effect on surrounding  
18 residential communities. Additionally, a description of the physical appearance of proposed  
19 buildings, through the use of architectural facade elevations (seen from public areas), or through  
20 other illustrative drawings, photographs, or renderings shall be reviewed.

21                   (F) Development of uses pursuant to this Subsection shall not be subject to a  
22 separate site plan approval in accordance with Part 3, Division 9 of this Subtitle. Instead, the site  
23 plan for such proposed development shall be reviewed as part of the special exception  
24 application approval.

25           (c) For the purposes of this Section, the term "elderly family" means a family which is  
26 included within age restrictions in conformance with the Federal Fair Housing Act and  
27 "physically handicapped family" means a family in which the head of the family, or his  
28 dependent, is physically handicapped. A person shall be considered physically handicapped if he  
29 has a physical impairment which:

30                   (1) Is expected to be of continued and indefinite duration;

31                   (2) Substantially impedes the ability to live independently; and

1 (3) Is of a nature that the ability could be improved by more suitable housing  
2 conditions.

3 SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-  
4 five (45) calendar days after its adoption.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2019.

COUNTY COUNCIL OF PRINCE GEORGE’S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF  
THE MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE’S COUNTY,  
MARYLAND

BY: \_\_\_\_\_  
Todd M. Turner  
Chair

ATTEST:

\_\_\_\_\_  
Donna J. Brown  
Acting Clerk of the Council

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.